IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Harry Morris et al.	Art Unit	: 2151
Serial No.	: 09/690,007	Examiner	: Backhean Tiv
Filed	: October 17, 2000	Conf. No.	: 1832
Title	: DISPLAYING ADVERTISEMENTS IN A COMPUTER NETWORK ENVIRONMENT		

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF MAY 31, 2006

In reply to the final Office action of May 31, 2006, applicant asks that all claims be allowed in view of the following remarks. Claims 1-28, 55-57, and 54-74 are pending, with claims 1, 15, and 55 being independent.

Claims 1-28, 55-57, and 64-74 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Blumenau (U.S. Patent No. 6,108,637) in view of Guyot (U.S. Patent No. 6,119,098) and Moraes (U.S. Patent No. 6,014,502). Applicant requests reconsideration and withdrawal of the rejection because none of Blumenau, Guyot, Moraes or any proper combination of the references describe or suggest the features of the independent claims.

Independent claim 1 recites a method of presenting advertising to viewers in a computer network environment. The method includes, *inter alia*, determining an amount of time to be used in displaying advertisements on a viewer's associated computer system based on monitoring the viewer's interactions with the computer system, and, based on the determined amount of time, varying an amount of display time for which an advertisement is to be displayed on the viewer's associated computer system.

The Office action recognizes that "the combination of Blumenau and Guyot did not expressly [describe] varying an amount of display time (duration or length of advertisement display time)." See Office action of May 31, 2006 at page 4. Rather, the Office action relies on Moraes to describe this feature. However, Moraes does not describe or suggest varying an amount of time for which an advertisement is displayed. Instead of displaying an advertisement

for a varying amount of time, Moraes discloses a system that displays advertisements for a "predetermined" amount of time. See Moraes at Col. 13, lines 44-47.

Specifically, in attempting to demonstrate that Moraes discloses variation of advertisement display time, the Office action cites to Col. 19, line 9 to Col. 20, line 56. Yet even this portion of Moraes suggests that replacement of advertisements is nonvariably performed "after a predetermined time." See Moraes at Col. 19, lines 45-49.

In greater detail, Moraes describes a "predetermined time" in Col. 13, stating that "[e]ach banner advertisement is displayed for a predetermined time *and* in accordance with a schedule that is preset or determined by the client user 'on-the-fly'." See Moraes at Col. 13, lines 44-47. The conjunction "and" in this sentence separates two thoughts. First, advertisements are displayed for a predetermined amount of time. Second, advertisements are displayed for the predetermined time based on a schedule, which schedule may itself be predetermined or which schedule may instead be determined on an ad hoc basis.

As such, and without wavering, Moraes discloses a system that displays an advertisement for a *predetermined*, or fixed, amount of time. The schedule for when an advertisement is to be displayed may be determined *on-the-fly*. However, an on-the-fly determination of a schedule that prescribes *when* an advertisement is to be displayed does not suggest that the *amount of time* for which the advertisement is to be displayed is also determined on-the-fly. Rather, Moraes explicitly discloses that the *amount of time* for which an advertisement is to be displayed, regardless of when it is displayed based on the schedule, is *predetermined*. Therefore, Moraes fails to describe or suggest varying an amount of display time for which an advertisement is to be displayed on a viewer's associated computer system, as recited in independent claim 1.

Furthermore, Moraes' failure to disclose variation in advertisement display duration, precludes disclosure by Moraes of variation based on specific features, such as those prescribed by the claims, namely based on a user's interaction with a computer system. Therefore, Moraes fails to describe or suggest determining an amount of time to be used in later displaying advertisements on a viewer's associated computer system based on monitoring the viewer's interactions with the computer system, and based on the determined amount of time, varying an amount of display time for which an advertisement is to be displayed on the viewer's associated computer system, as also recited in independent claim 1.

For at least these reasons, it is clear that Moraes fails to meet the rigorous burden of teaching imposed under 35 U.S.C. § 103(b), such that applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 1, along with claims 2-14, 64-66, 71 and 72 that depend therefrom.

Independent claim 15 recites a computer program for presenting advertising to viewers in a computer network environment in a manner corresponding to that of independent claim 1. Accordingly, for at least the reasons described above with respect to independent claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 15, along with claims 16-28, 67-69, 73 and 74 that depend therefrom.

Further, independent claim 55 recites a method of optimizing a click-through rate of a user viewing content in a computer network environment that includes, *inter alia*, varying an amount of display time for which an advertisement is to be displayed based on a user's activity with respect to the user's computer. Accordingly, for at least the reasons described above with respect to independent claims 1 and 15, applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 55, along with claims 56, 57 and 70 that depend therefrom.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply.

No fee is believed to be due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/31/06

Stephanie Deckter

Stephanie M. Deckter
Reg. No. 58,652

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

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